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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,127	08/22/2003	Robert L. Glass	HAVN-1-1002	8866
25315	7590	07/06/2005	EXAMINER	
BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			MILLER, WILLIAM L	
		ART UNIT	PAPER NUMBER	
			3677	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/646,127	GLASS, ROBERT L.
Examiner	Art Unit	
William L. Miller	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 15 April 2005.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-45 is/are pending in the application.  
 4a) Of the above claim(s) 32-38 is/are withdrawn from consideration.  
 5) Claim(s) 15-31 and 39-45 is/are allowed.  
 6) Claim(s) 1,2,4-7,10 and 12 is/are rejected.  
 7) Claim(s) 3,8,9,11,13 and 14 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 11/03 (2); 06/04.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

*HL*

*RL*

## **DETAILED ACTION**

### *Election/Restrictions*

1. Claims 32-38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 04-15-2005.

### *Claim Objections*

2. Claims 6, 7, 21, 39, and 40 are objected to because of the following informalities: claim 6, line 1, before “pods” insert --the--; claim 7, line 2, before “containers” insert --the--; claim 21, line 8, change “a” to --the--; claim 39, line 6, delete “-like”; and claim 40, lines 1 and 2, delete “-like”.

3. Claim 21 is incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The structural cooperative relationship of the first and second plurality of containers, the water ballast, the pods, the container mapping system, and the mapping locator with the remainder of the system is unclear.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 6, 7, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Eubank (US#3898718).
6. Claim 1: Eubank discloses a burial system comprising: a tub 17,19 having a removable lid 27 and partially buried such that the lid is proximate a surface of the ground; at least one pod 15 having a removable top (shell or vault, col. 3, last line, thru col. 4, line 3) and an interior region capable of holding at least one container (note the container is not being positively claimed); and a door member 29.
7. Claim 2: The pod is “substantially” cylindrical.
8. Claim 4: The door member is rectangular.
9. Claim 6: The tub receives a plurality of the pods (Fig. 2).
10. Claim 7: The pod is capable of receiving a plurality of containers (note the containers are not being positively claimed).
11. Claim 10: Uppermost element 35 represents a bracing device which is coupled to the lid and tub.
12. Claim 12: The bracing device is asymmetrically coupled to the tub as it is coupled via threading (col. 3, lines 7-10).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eubank.

15. Claim 5: Eubank fails to disclose the door member being hexagonal in shape and of the claimed dimensions, however the shape of the door member is not a critical feature of the applicant's invention as evidenced by the numerous shapes recited in claim 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eubank by utilizing a hexagonal shaped door member having the claimed dimension as a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

*Allowable Subject Matter*

16. Claims 3, 8, 9, 11, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Claims 15-31 and 39-45 are allowed.

*Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller  
Primary Examiner  
Art Unit 3677

WLM

A handwritten signature in black ink, appearing to read "WLM".